

REMARKS

Claims 1-21 are pending in the application.

Rejection Under 35 U.S.C. § 103(a) over Myllymaki (U.S. Patent No. 5,670,944)

Claims 1, 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being “obvious” over Myllymaki. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Myllymaki discloses a monitoring device for physical and/or performance condition. A plurality of different transducers are used to monitor health or physical condition of an individual to obtain data regarding the overall health and performance level of the individual (Col. 3, lines 3-31).

Myllymaki fails to disclose or suggest measuring skin temperature sensor connected to a microprocessor for mathematically converting the sensed temperature to corrected skin temperature. Myllymaki fails to disclose or suggest mathematically converting the sensed temperature to corrected skin temperature.

A significant feature of the presently claimed invention is that the obtained skin temperature is mathematically converted to a corrected skin temperature. The instant specification at page 5 defines “corrected skin temperature” as follows: “the temperature of a baby’s skin as corrected by processing the measured skin temperature through a correction table, which takes into consideration various environmental factors and age of the baby.” Notwithstanding the calculation of the corrected temperature of specifically a baby, Myllymaki does not recognize the necessity or the desirability of obtaining a corrected temperature of any

body at all. Since obtaining the corrected temperature of the baby (or the corrected temperature of anyone at all) is a significant feature of the claimed invention, which Myllymaki fails to contemplate, the presently claimed invention is not obvious over the Myllymaki reference.

Rejection Under 35 U.S.C. § 103(a) over Myllymaki (U.S. Patent No. 5,670,944) in view of Teller (U.S. Patent Application Publication No. 2002/0013538)

Claims 2, 5-7, and 11-21 have been rejected under 35 U.S.C. § 103(a) as being “obvious” over Myllymaki and Teller. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Myllymaki is discussed above.

Teller describes a method for monitoring health signs in which a sensor unit contacts the subject and the display is separated from the sensor unit. Further, the Teller reference fails to disclose or suggest mathematically converting sensed skin temperature to corrected skin temperature.

Applicant notes that claims 2, 5-7, and 11-21 ultimately depend from claim 1. Therefore, a significant feature of the presently claimed invention as embodied in claims 2, 5-7, and 11-21 is that the obtained skin temperature is mathematically converted to a corrected skin temperature. However, since neither Myllymaki nor Teller recognizes the necessity or the desirability of obtaining a corrected temperature of anyone at all, and since obtaining the corrected temperature of the body is a significant feature of the claimed invention, the presently claimed invention is not obvious over the Myllymaki and Teller references.

Rejection Under 35 U.S.C. § 103(a) over Teller (U.S. Patent Application Publication No. 2002/0013538)

Claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being “obvious” over Teller. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Applicant notes that claims 8-10 ultimately depend from claim 1. Therefore, a significant feature of the presently claimed invention as embodied in claims 8-10 is that the obtained skin temperature is mathematically converted to a corrected skin temperature. However, since Teller fails to recognize the necessity or the desirability of obtaining a corrected temperature of any body, and since obtaining the corrected temperature of the body is a significant feature of the claimed invention, the presently claimed invention is not obvious over the Teller reference.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR § 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

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